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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,562	08/20/2001	David H. Parker	17645-130	6565

7590

03/31/2003

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EXAMINER

DELGIZZI, RONALD E

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 03/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/933,562

Applicant(s)

PARKER

Examiner

De/Gizzi

Group Art Unit

2875

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE Three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 8/20/2001
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-46 is/are pending in the application.
- ☐ Of the above claim(s) NONE is/are withdrawn from consideration.
- ☐ Claim(s) is/are allowed.
- ☒ Claim(s) 1-11, 22-24, 26-27, 32-34, 36, 40-44 is/are rejected.
- ☒ Claim(s) 12-21, 25, 28-31, 35, 37-39, 45-46 is/are objected to.
- ☐ Claim(s) are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

DETAILED ACTION

Claim Objections

1. Claim 2 is objected to because of the following informalities: "clamed" should be --claimed--.
Appropriate correction is required.
2. Claim 19 is objected to because of the following informalities: The limitation, "protrusions are substantially hemispherical formations and the diameter of the hemispheres at the area towards the edge of the reflector is greater than the diameter of the hemispheres toward the base of the parabolic reflector." raises the question, Are these formations "hemispherical" or are they "substantially hemispherical" formations? If the latter, then Applicant should ensure the limitations meet proper antecedent basis requirements. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being vague and indefinite.
Unclear from claim as to meaning of "and being for receiving the cap".
5. Therefore, claim 5 is also rejected as being dependent on rejected claims.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 3-5, 7, 26-27 & 36 are rejected under 35 USC 102 (b) as anticipated by VAN

VLIET ET AL.

8. Regarding Claim 1, VAN VLIET ET AL. discloses and shows (Figs 1 & 2) a flashlight comprising:

a) a barrel, the barrel being for mounting batteries (Fig 2), a lamp, a switch, a circuit, the switch being for opening and closing the circuit, the circuit being between the batteries and the lamp,

b) a lens (Fig 2 & 5)(36),

c) a cap for the barrel (Fig 5)(39); and

d) a pistol grip handle (Figs 1 & 2) extending transversely from the barrel.

9. Regarding Claim 3, VAN VLIET ET AL. discloses and shows (Figs 1-2 & 5) a flashlight as claimed in claim 1 wherein the barrel has a forward end and a rear end, and the handle engages the barrel at a position substantially midway between the forward end and the rear end.

10. Regarding Claim 4, VAN VLIET ET AL. discloses and shows (Figs 1-2 & 5) a flashlight as claimed in claim 1 wherein the barrel is substantially partially eggshaped from the forward end to the rear end, and the forward end being substantially truncated and being for receiving the cap.

11. Regarding Claim 5, VAN VLIET ET AL. discloses and shows (Figs 1-2 & 5) a flashlight as claimed in claim 4 wherein the truncation effectively creates a half-egg shape.

12. Regarding Claim 7, VAN VLIET ET AL. discloses and shows (Figs 1-2 & 5) a flashlight is claimed in claim 6 including locking means on the handle (42) & (Col 3, lines 20-52), the locking means being a slidable element mounted in the handle for movement towards and away from the housing of the trigger, and when moved in a position towards the housing of the trigger acts to lock the trigger in one position and thereby promote containing the housing in a receptacle in the handle

and wherein movement of the slidable element from the position engaging the trigger acts to permit the trigger to move between on and off positions.

13. Regarding Claim 26, VAN VLIET ET AL. discloses and shows (Figs 1-2 & 5) a flashlight as claimed in claim 1 including batteries, and wherein the batteries are mounted in a housing, the housing being removable from the barrel when the cap is removed from the barrel.

14. Regarding Claim 27, VAN VLIET ET AL. discloses and shows (Figs 1-2 & 5) a flashlight as claimed in claim 26 wherein the housing is a substantially cylindrical element for mounting multiple batteries in an axial relationship around the axis of the housing.

15. Regarding Claim 36, VAN VLIET ET AL. discloses and shows (Figs 1-2 & 5) a flashlight as claimed in claim 1, including batteries, and wherein the batteries are located in the barrel in a manner to relatively maximize the battery power and minimize the amount of unused space in the barrel.

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 2 & 9 are rejected under 35 USC 103(a) as unpatentable over VAN VLIET ET AL. in view of KRUPANSKY.

18. Regarding Claims 2, 9 & 40-41, VAN VLIET ET AL. discloses the invention substantially as claimed including a flashlight as claimed (sic) in claim 1 wherein the handle includes a mounting

for a trigger; however, VAN VLIET ET AL. fails to expressly disclose the trigger includes magnetic means being operable to activate the switch through a wall of the barrel, and the switch being contained inside the barrel of the flashlight is watertight using a gasket.

KRUPANSKY teaches a waterproof flashlight having a magnetic switch and an O-ring. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to use the magnetic switch and O-ring as taught by KRUPANSKY to the flashlight of VAN VLIET ET AL. for the purpose of being able to actuate the flashlight without requiring opening through the housing and to maintain a watertight seal.

19. Claims 6, 8, 10-11, 22-24 & 42-44 are rejected under 35 USC 103(a) as unpatentable over VAN VLIET ET AL. in view of KRUPANSKY and in further view of JONES ET AL.

20. Regarding Claims 10-11, 22-24 & 32-33, VAN VLIET ET AL. in view of KRUPANSKY disclose and show substantially as claimed including a flashlight as claimed in claim 1 wherein the lens includes a reflective surface, the reflective surface being substantially parabolic; including a mounting for a switch and circuit on an outside wall of the housing, and wherein the switch includes a reed switch operable by the trigger on the handle; however, they fail to disclose the reflective surface has substantially hemispherical multiple protrusions arranged on the reflective surface.

JONES ET AL. teaches a waterproof flashlight with a multi-faceted parabolic reflector. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to use the reflector as taught by JONES ET AL. to the invention of VAN VLIET ET AL. in view of KRUPANSKY for the purpose of maximizing the reflected light in a forward direction.

21. Claim 34 is rejected under 35 USC 103(a) as unpatentable over VAN VLIET ET AL.

22. VAN VLIET ET AL. discloses the invention substantially as claimed including a flashlight as claimed in claim 1, including batteries; however, VAN VLIET ET AL. Fails to disclose that the batteries are rechargeable. It would have been obvious to one skilled in the art at the time the invention was made to use rechargeable batteries since Examiner takes Official Notice that such batteries are old and well known in the portable illumination art and for the purpose of saving money by avoiding disposable batteries.

Allowable Subject Matter

23. Claims 12-18 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 12 discloses a flashlight as claimed in claim 11 wherein the protrusions are arranged in rows from a base of the parabolic reflector towards the edge of the parabolic reflector, there being multiple protrusions in each row. The prior art of record fails to disclose this feature.

24. Claims 19-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 19 discloses and shows a flashlight as claimed in claim 10 wherein the protrusions are substantially hemispherical formations and the diameter of the hemispheres at the area towards the edge of the reflector is greater than the diameter of the hemispheres toward the base of the parabolic reflector.

25. Claim 21 is objected to as being dependent upon a rejected base claim, but would be

allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

26. Claim 21 discloses and shows a flashlight as claimed in claim 10 wherein there are about 1,260 hemispheres arranged in about 21 rows from the base of the parabolic reflector toward the edge.

27. Claim 25 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

28. Claim 25 discloses a flashlight as claimed in claim 1 wherein the lens includes a reflective surface, the reflective surface being substantially parabolic, and wherein a texture is applied to the reflective surface of the parabolic lens, the texture acting to blend a column of light normally reflected by a lamp located at the vertex of the parabolic reflector and dispersed patterns of light obtained by reflections from protrusions on the reflective surface, the blending acting to reduce a visual irregularity caused by at least one of an unsymmetrical filament in a lamp, an imperfect filament location relative to a vertex of the parabolic reflector, or imperfections in a shape of the reflector.

29. Claims ~~28-29~~ are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

30. Claim 28 discloses a flashlight as claimed in claim 27 including contacts external to the housing for mounting batteries on an outside wall of the housing.

31. Claims 30-31 are objected to as being dependent upon a rejected base claim, but would be

allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

32. Claim 30 discloses a flashlight as claimed in claim 26 including a closure to the housing, the closure to the housing including means for mounting the lamp.

33. Claim 31 discloses a flashlight as claimed in claim 26 wherein the closure is mounted to close the housing in a tongue and groove manner, the closure and opening being effected by relative rotation of the closure member on one end of the housing.

34. Claim 35 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

35. Claim 35 discloses a flashlight as claimed in claim 26 wherein the housing includes the electrical components for the batteries, the batteries and whereby the operation of the flashlight by the switch is effected by an element mounted on the flashlight unassociated with the housing.

36. Claims 37-39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

37. Claim 37 discloses a flashlight as claimed in claim 1 wherein the handle and barrel are ergonomically structured to promote a balance in the flashlight thereby to substantially balance the flashlight with eight batteries mounted in the barrel to enable the flashlight to stand on a base of the handle without tipping forward or backward.

38. Claim 45 is objected to as being dependent upon a rejected base claim, but would be

allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

39. Claim 45 discloses a flashlight as claimed in claim 44 wherein successive rows are offset relative to irregularities in adjacent rows.

40. Claim 46 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

41. Claim 46 discloses a flashlight as claimed in claim 42 wherein the irregularities substantially adjacent to the base of the parabolic reflector are relatively smaller than the size of the protrusions towards the edge of the parabolic reflector.

Conclusion

42. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald E. DelGizzi, Mon-Thurs, 0730 to 1800 EST at (703) 305-0648, or to Sandra O'Shea, Supervisory Patent Examiner, Mon-Fri, at (703) 305-4939, or to the receptionist at (703) 308-0956 (phone) or at either fax # (703) 305-3431 or fax # (703) 308-7724.

rdg

March 22, 2003



Ronald E. DelGizzi

Patent Examiner, Art Unit 2875